



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR

**CHILDREN & FAMILIES**

Administration on Children, Youth and Families  
Children's Bureau

**Title IV-E Foster Care Eligibility  
On-Site Review Instrument and Instructions  
December 2012**



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# Title IV-E Foster Care Eligibility On-Site Review Instrument and Instructions

December 2012 Version

## (A) CASE FINDINGS

Complete this section after completing the entire instrument (check if applicable).

Case Type: ☐ Non-Error Case ☐ Error Case

For either case type, case includes:

☐ Underpayments

☐ Ineligible Payments

## (B) QUALITY ASSURANCE CHECK COMPLETED SIGNATURES

First-Level QA Reviewer's Signature: \_\_\_\_\_

Second-Level QA Reviewer's Signature: \_\_\_\_\_

## (C) INSTRUCTIONS

- Complete this instrument for each foster care episode during the PUR.
- Answer each question on the instrument and read each question's instructions for an explanation of how to answer it.
- Indicate "**N/A**" if the question is not applicable and state the reason the question does not apply. Refer to the "Title IV-E Foster Care Eligibility Review Guide" for additional guidance on review policy and procedures.
- Verify that each eligibility factor is documented and record the documentation source in the "Comments" section after each question.
- Responses in bold font are *potential* case errors or ineligible payments.
- Record additional foster care placements during the period under review (PUR) on the appended "Licensing/Safety Checklist for Multiple Placements" (Appendix 1) and the data for improper payments on the appended "Improper Payment Chart" (Appendix 2).
- All statutory citations refer to the applicable section of the Social Security Act (the Act).
- Use pencil and print legibly.

## (D) GENERAL CASE INFORMATION

### 1. **Sample PUR (month/day/year):**

Record the begin date and end date of the 6-month sample PUR, using the month, date, and year format.  
\_\_\_\_\_ to \_\_\_\_\_

### 2. **State postal code and random sample selection number:**

Record the two-letter State postal code and the selection number assigned to the sample case.  
\_\_\_\_\_

### 3. **Case ID:**

Record the case number the title IV-E agency uses as an identifier for the child's file. \_\_\_\_\_

### 4. **County or local office:**

Record the name of the county or local office that has assignment for the child's file.  
\_\_\_\_\_

### 5. **Review date (month/day/year):**

Record the month, date, and year the case is reviewed. \_\_\_\_\_

### 6. **Reviewed by:**

Record the name of the individual reviewing the case.  
\_\_\_\_\_

**Comments:**

## (E) CHILD INFORMATION

The child's name will be kept *confidential* and will not be disclosed for any purposes outside of the review.

### 7. Child's name:

Record the first and last name of the child whose case is being reviewed.

---

### 8. Child's date of birth (month/day/year):

Enter the birth date of the child whose case is being reviewed. \_\_\_\_\_

### 9. Child's age as of the first day of the PUR:

Enter the age of the child on the first day of the PUR. If the child is less than one (1) year old on the first day of the PUR, enter a zero (0). Documentation of age is not necessary for the title IV-E foster care eligibility review (IV-E review) unless there are questions about the age of a youth who may be 17 years old or older. Then, a birth certificate or equivalent source document is used to verify the birth date. Section 406 of the Act limits title IV-E eligibility to children under the age of 18, or up to age 19 if the school attendance option is exercised in the State's 1996 title IV-A plan.

Age: \_\_\_\_\_

**NOTE:** Beginning 10-01-2010, the title IV-E agency may exercise the title IV-E plan option to extend assistance to age 21, under § 475(8) of the Act. If the title IV-E agency has approval to exercise the title IV-E plan option, the IV-E agency's 18- to 21-year-olds are not subject to the IV-E review at this time and are excluded from the review sample.

**Comments:**

## (F) RELEVANT DATES (may precede PUR)

[Statutory Citation: §§ 472(a)(1) & (2) of the Act and 475(5)(F); Regulatory Citation: 45 CFR §§ 1355.20(a), 1356.21(k), and 1356.22]

### 10. On what date was the child removed from home?

Enter the date of physical removal unless the child was constructively removed. If the child was constructively removed, enter the date the court sanctioned the judicial removal, in a judicial removal, or the date of the final signature on a voluntary placement agreement, in a voluntarily placement. (A constructive removal occurs when a judicial ruling or voluntary placement agreement sanctions the child's removal from the parent or another specified individual, but the child is living with an interim caregiver at the time of the removal. It applies to a removal that occurs on or after 3-27-2000 for a child who has not lived with an interim caregiver longer than 6 months prior to the constructive removal. If the constructive removal occurred before 3-27-2000, note that below in *Comments*. Also, if the child had lived with an interim caregiver longer than 6 months before the constructive removal, note that below. The case is not marked as in error when answering Question 10, if the constructive removal requirement is not met. The eligibility requirements pertaining to constructive removals are specifically addressed at Questions 21(a) and 22.)

Removal date (month/day/year): \_\_\_\_\_

Question 10 records the date of the child's most recent physical or constructive removal from the home of a parent or another specified relative in accordance with a court order or voluntary placement agreement.

**Comments:**

**(F) RELEVANT DATES (may precede PUR) Continued**

[Statutory Citation: §§ 472(a)(1) & (2) of the Act and 475(5)(F); Regulatory Citation: 45 CFR §§ 1355.20(a), 1356.21(k), and 1356.22]

**11. On what date did the child enter foster care?**

Check the **N/A** box, if appropriate, based on the following instructions:

For a removal according to a voluntary placement agreement: Indicate **N/A**.

For a court-ordered removal before March 27, 2000: Indicate **N/A**.

For a court-ordered removal on or after March 27, 2000: Indicate **N/A** if the foster care episode terminated before 60 days of removal and a judicial finding of abuse or neglect was not rendered prior to the end of the foster care episode.

N/A ☐

Otherwise, record the **date the child entered foster care** based on the following information:

- **Initial placement in foster care setting:**

Record the month, date, and year the child is considered to have entered foster care, as based on the definition in § 475(5)(F) of the Act and Federal regulations at 45 CFR § 1355.20(a) and described below, if the child initially was placed in a foster care setting (foster family home or childcare institution) at removal.

- **Initial placement in non-foster care setting:**

(1) Record the month, date, and year the child was placed in a foster care setting, if the child initially was placed in a detention facility or other non-foster care setting and was in the non-foster care setting longer than 60 days before being placed in a foster care setting. Or,

(2) Record the month, date, and year the child entered foster care as defined below, if the child's placement into foster care from a non-foster care setting occurred within 60 days of his or her removal from the home.

Entry date (month/day/year): \_\_\_\_\_

As defined in § 475(5)(F) of the Act and 45 CFR § 1355.20(a), the date the child is considered to have entered foster care is the date that is the earlier of either a judicial finding to the effect that the child has been subjected to child abuse or neglect or 60 calendar days after the date the child is removed from the home through a court order or voluntary placement agreement. The **date the child entered foster care** usually is not the same date as the date of removal (Question 10 or Question 13). The date recorded in Question 11 is the date used to determine when to obtain the initial judicial determination of reasonable efforts to finalize the permanency plan (Question 19). The title IV-E agency may use the date the child is physically removed from home. However, for the IV-E review, the "**date child entered foster care**" is the date as defined in § 475(5)(F) of the Act and 45 CFR § 1355.20(a), consistent with the U.S. DHHS Departmental Appeals Board (DAB) Decision No. 1903.

**Comments:**

## (G) REMOVAL PURSUANT TO A COURT ORDER

[Statutory Citation: §§ 471(a)(15)(B) and 472(a)(2) of the Act; Regulatory Citation: 45 CFR §§ 1356.21(b), (c), & (d)]

### 12. Was the child's removal the result of a court order?

If the removal was pursuant to a court order, indicate **YES**.

If the removal was not pursuant to a court order, indicate **NO**.

YES ☐

NO ☐

**NOTE:** If **NO** is the response to this question and Question 15, the response also is **NO** to Question 18. For title IV-E eligibility, a child's removal must be in accordance with the requisite *judicial determination* (Question 12) or a *voluntary placement agreement* (Question 15).

**For Questions 13 and 14:** The judicial determination in court-ordered removals must be: (1) made in a valid court order; (2) made on a case-by-case basis and child-specific; (3) explicitly stated in the court order; and (4) in conformity with Federal regulatory time frames to satisfy compliance with the title IV-E requirements. Affidavits, *nunc pro tunc* court orders and other similar-purpose documents are not acceptable documentation to support a judicial finding (except as provided in § 479B of the Act for a limited period for Tribes). If an acceptable court order is not furnished, an official transcript of the court proceeding is the only alternative to substantiate that the judicial determination requirement has been met satisfactorily (45 CFR 1356.21(d)(1)). The precise language, *contrary to the welfare* or *reasonable efforts*, does not have to be included in the court ruling. However, consistent with DAB Decision No. 1998, there must be an expressed statement in the court order or court transcript that can be clearly understood as a determination that the required judicial finding is made.

**Comments:**

### 13. If Question 12 was YES, was there a judicial finding of *contrary to the welfare*?

If the child was voluntarily placed, indicate **N/A**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments.

For title IV-E purposes, in a court-ordered removal there must be a judicial determination to the effect that continuation in the home with the specified relative (from whom there was a physical or constructive removal) would be contrary to the child's welfare, or that foster care placement is in the child's best interests.

**Comments:**

**(G) REMOVAL PURSUANT TO A COURT ORDER *Continued***

[Statutory Citation: §§ 471(a)(15)(B) and 472(a)(2) of the Act; Regulatory Citation: 45 CFR §§ 1356.21(b), (c), & (d)]

**13(a). If the child was removed from the home before March 27, 2000, was the *contrary to the welfare* finding in a court ruling issued within 6 months of the child's removal? Or was there a removal petition filed within 6 months of the child's removal that resulted in a judicial finding of *contrary to the welfare*?**

For a removal on or after March 27, 2000, or if the child was removed via a voluntary placement agreement, indicate **N/A**.

For a removal before March 27, 2000, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments. Then, the child is ineligible under title IV-E for the entire foster care episode.

Record the judicial finding date and removal petition date.

Judicial finding date (month/day/year): \_\_\_\_\_

Removal petition date (month/day/year): \_\_\_\_\_

Consistent with DAB Decision No. 1508, if the judicial finding of *contrary to the welfare* is not rendered within 6 months of the child's removal (Question 10), the requisite judicial finding may be in a court ruling that stems from court proceedings initiated no later than 6 months from the date of the child's removal from the home. Calculation of the 6-month period is based on calendar months and is not counted from date-to-date. The resultant court order must expressly adopt the pertinent language of the petition in a manner such that it is reasonably understood that the requisite judicial finding is made. For compliance, the court order cannot merely sustain the petition. Title IV-E maintenance may not be claimed for a period prior to the court ruling that explicitly makes the judicial finding. If the judicial determination is not made as required, the child is ineligible for title IV-E foster care for the entire foster care episode.

**Comments:**

**13(b). If the child was removed from the home on or after March 27, 2000, was the *contrary to the welfare* finding stated in the court ruling for removal?**

For a removal before March 27, 2000, or if the child was removed via a voluntary placement agreement, indicate **N/A**.

For a removal on or after March 27, 2000, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments. Then, the child is ineligible under title IV-E for the entire foster care episode.

Record the judicial finding date.

Judicial finding date (month/day/year): \_\_\_\_\_

The judicial determination regarding *contrary to the welfare* must be made in the first court ruling that sanctions, even temporarily, the child's removal from the home (Question 10). The first court ruling refers to the judicial order that stems from the first court proceeding on the child's removal. If the judicial determination is not made in the first court ruling pertaining to that removal from home, this eligibility requirement is not met. [See 45 CFR § 1356.21(c).]

**Comments:**

**(G) REMOVAL PURSUANT TO A COURT ORDER *Continued***

[Statutory Citation: §§ 471(a)(15)(B) and 472(a)(2) of the Act; Regulatory Citation: 45 CFR §§ 1356.21(b), (c), & (d)]

**13(c). Was the requirement met for the judicial finding of *contrary to the welfare*?**

Indicate **N/A** if the child was voluntarily placed. Otherwise, indicate **YES** or **NO** based on the response to Questions 13, 13(a), and 13(b).

Explain below in *Comments* the specific reason the requirement is not satisfied.

YES ☐ NO ☐ N/A ☐

If Question 13(c) is **NO**, this case is an error case and the child is ineligible under title IV-E for the entire foster care episode.

If **NO**, record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

**13(d). Were title IV-E funds paid before the month in which the *contrary to the welfare* requirement was met?**

Indicate **N/A** if the child was voluntarily placed. Otherwise, indicate **YES** or **NO**.

YES ☐ NO ☐ N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

Regardless of the removal date, the title IV-E agency may claim title IV-E maintenance payments from the first day of the child's placement in the month in which all title IV-E eligibility criteria are met for the child. [See 8.3A.15, Question #1 of the CB Child Welfare Policy Manual (CWPM).]

If a title IV-E maintenance payment was made for a period that was prior to the month in which the eligibility requirement was met and the ineligible period was outside the PUR, the title IV-E maintenance payment is disallowed.

If a title IV-E maintenance payment was made for a period that was prior to the month in which the eligibility requirement was met and the ineligible period was in the PUR, the child's sample case is in error and the title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

**14. If Question 12 is **YES**, was there a judicial finding regarding *reasonable efforts to prevent removal*?**

If the child was voluntarily placed, indicate **N/A**. Otherwise, indicate **YES** or **NO**.

YES ☐ NO ☐ N/A ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments. Then, the child is ineligible under title IV-E for the entire foster care episode.

For title IV-E purposes, a judicial removal must include a determination to the effect that the title IV-E agency has made reasonable efforts to prevent the removal of the child from the specified relative (Question 10) or that reasonable efforts are not necessary prior to removal. If the child was removed before March 27, 2000, the requirement may be satisfied with a judicial finding that reasonable efforts have been made to reunify the child and family after removal.

**Comments:**



**(G) REMOVAL PURSUANT TO A COURT ORDER *Continued***

[Statutory Citation: §§ 471(a)(15)(B) and 472(a)(2) of the Act; Regulatory Citation: 45 CFR §§ 1356.21(b), (c), & (d)]

**14(a). If the child was removed from the home before March 27, 2000, what is the date of the judicial finding regarding *reasonable efforts*?**

For a removal on or after March 27, 2000, or if the child was removed via a *voluntary placement agreement*, indicate **N/A**.

N/A ☐

For a removal before March 27, 2000, record the date of the court ruling that contains the judicial finding of either *reasonable efforts to prevent removal* or *reasonable efforts to reunify*. If both judicial findings were made, record each date.

Reasonable efforts to prevent removal date (month/day/year): \_\_\_\_\_

Reasonable efforts to reunify date (month/day/year): \_\_\_\_\_

The judicial determination to the effect that either reasonable efforts have been made to prevent removal (or are not required) or that reasonable efforts have been made to reunify the child and family after removal satisfies this reasonable efforts requirement. If the eligibility criterion is not satisfied, the child is ineligible for the duration of the foster care episode. [See 45 CFR § 1356.21(b)(1).]

**Comments:**

**14(b). If the child was removed from the home on or after March 27, 2000, what is the date of the judicial finding regarding *reasonable efforts to prevent removal*? Was the judicial finding regarding *reasonable efforts to prevent removal* determined within 60 days of the child's removal?**

For a removal before March 27, 2000, or if the child was removed via a *voluntary placement agreement*, indicate **N/A**.

For a removal on or after March 27, 2000, indicate **YES** or **NO** regarding the timeliness of the judicial finding.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments. Then, the child is ineligible under title IV-E for the entire foster care episode.

Record the judicial finding date.

Judicial finding date (month/day/year): \_\_\_\_\_

The judicial determination to the effect that *reasonable efforts to prevent removal* have been made (or are not required) must be obtained no later than 60 days from the date the child is removed from the specified relative (Question 10). The "clock" for the 60-day period begins the day after the child is physically removed. If the child is constructively removed, the "clock" begins on the date the court sanctions the removal. If the eligibility criterion is not satisfied within the time frame prescribed in the Federal regulations, the child is ineligible for the entire foster care episode. [See 45 CFR § 1356.21(b)(1).]

**Comments:**

## (G) REMOVAL PURSUANT TO A COURT ORDER *Continued*

[Statutory Citation: §§ 471(a)(15)(B) and 472(a)(2) of the Act; Regulatory Citation: 45 CFR §§ 1356.21(b), (c), & (d)]

### 14(c). Was the requirement met for the judicial finding of reasonable efforts to prevent removal?

Indicate **N/A** if the child was voluntarily placed. Otherwise, indicate **YES** or **NO** based on the response to Questions 14, 14(a), and 14(b).

Explain below in *Comments* the specific reason the requirement is not satisfied.

YES ☐

NO ☐

N/A ☐

If Question 14(c) is **NO**, this is an error case and the child is ineligible for the entire foster care episode.

If **NO**, record ineligible period(s) on the attached *Improper Payment Chart*.

**Comments:**

### 14(d). Were title IV-E funds paid before the month of the judicial finding of reasonable efforts to prevent removal?

Indicate **N/A** if child was voluntarily placed. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

Regardless of the removal date, the title IV-E agency may claim title IV-E maintenance from the first day of the child's placement in the month in which all title IV-E eligibility criteria are met for the child [See 8.3A.15, Question #1 of the CWPM.]

If a title IV-E maintenance payment is made for a period prior to the month in which the eligibility requirement is met and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed.

If a title IV-E maintenance payment is made for a period prior to the month in which the eligibility requirement is met and the ineligible period is in the PUR, the child's sample case is in error and the title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached *Improper Payment Chart*.

**Comments:**

## (H) VOLUNTARY PLACEMENTS

[Statutory Citation: §§ 472(d), (e), and (f) of the Act; Regulatory Citation: 45 CFR § 1356.22]

### 15. Was the child's removal pursuant to a voluntary placement agreement?

Indicate **YES** or **NO**. If the removal was pursuant to a voluntary placement agreement, enter **YES**.

If the removal was not pursuant to a voluntary placement agreement, enter **NO**.

YES ☐

NO ☐

**NOTE:** If **NO** is the response to this question and Question 12, the response also is **NO** to Question 18. For title IV-E eligibility, a child must be removed in accordance with the requisite judicial determination (Question 12) or a voluntary placement agreement (Question 15).

**Comments:**

## (H) VOLUNTARY PLACEMENTS *Continued*

[Statutory Citation: §§ 472(d), (e), and (f) of the Act; Regulatory Citation: 45 CFR § 1356.22]

### 16. If Question 15 is **YES**, was the *voluntary placement agreement* signed by the parent or legal guardian and the title IV-E agency?

Indicate **N/A** if this was a court-ordered removal. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response is **NO**, this is an error case.

Record the signature date of the agreement. If signings occurred on different dates, record the date of the final signature.

**Voluntary placement agreement signature date (month/day/year):** \_\_\_\_\_

Consistent with § 472(f)(2) of the Act, the parent or legal guardian and the title IV-E agency representative must sign the *voluntary placement agreement* for it to be valid. If all required parties did not sign the *voluntary placement agreement*, the child is ineligible for title IV-E for the entire foster care episode.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

### 16(a). Were title IV-E funds paid for a period prior to when the *voluntary placement agreement* was signed by the parent, legal guardian or the title IV-E agency?

Indicate **N/A** if this was a court-ordered removal. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

The title IV-E agency may claim title IV-E maintenance from the first day of the child's placement in the month in which all title IV-E eligibility criteria are met for the child. [See 8.3A.15, Question #1 of the CWPM.]

If a title IV-E maintenance payment was made for a period prior to the month in which the eligibility requirement was met and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed.

If a title IV-E maintenance payment was made for a period prior to the month in which the eligibility requirement was met and the ineligible period is in the PUR, the child's sample case is in error and the title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (H) VOLUNTARY PLACEMENTS *Continued*

[Statutory Citation: §§ 472(d), (e), and (f) of the Act; Regulatory Citation: 45 CFR § 1356.22]

### 17. Was there a judicial determination regarding the child's *best interests* within 180 days of the foster care placement through a *voluntary placement agreement*?

Indicate **YES** or **NO** and record the date of the judicial finding, including the month, date, and year. Indicate **N/A**, if the judicial determination was not obtained and fewer than 180 days have elapsed since the foster care placement date (or signature date, if the child was constructively removed) and the last day of the PUR. Also, indicate **N/A** if the child was judicially removed.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Judicial finding date (month/day/year): \_\_\_\_\_

As specified in § 472(e) of the Act, to extend title IV-E eligibility beyond 180 days of placement in foster care, there must be a judicial determination within the first 180 days of the foster care episode to the effect that continued out-of-home placement is in the child's *best interests*, thereby extending foster care placement through the *voluntary placement agreement*. The "clock" for the first 180 days of the foster care episode begins on the date the child is physically placed in foster care. If constructively removed, the "clock" for the first 180 days of the foster care episode begins on the date the voluntary placement agreement is signed by all necessary parties. If signings are on different dates, it begins on the date of the final signature.

**NOTE:** If the *voluntary placement agreement* is terminated, revoked, or otherwise no longer in effect prior to obtaining the judicial determination regarding the child's best interests, title IV-E eligibility ends on the day the voluntary placement agreement is terminated, revoked, or not in effect and the child becomes ineligible for the remainder of the foster care episode. Under these conditions, the response is **NO** to Question 17.

**Comments:**

### 17(a). If Question 17 is **NO**, were title IV-E funds paid for the period of ineligibility?

Indicate **N/A** if this was a court-ordered removal. Otherwise, indicate **YES** or **NO**, based on a **NO** response to Question 17.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

If a title IV-E maintenance payment is made for the period in which compliance with the requirement is not met and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed.

If a title IV-E maintenance payment is made for the period in which compliance with the requirement is not met and the ineligible period is in the PUR; the child's sample case is in error and the title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

If more than 180 days of the child's placement in foster care have elapsed in a removal through a valid *voluntary placement agreement* and there has been no judicial determination of *best interests*, the child's eligibility for title IV-E ceases on the 181st day. The child's eligibility also ceases on the day the *voluntary placement agreement* is terminated, revoked, or not in effect if this occurs prior to obtaining the judicial determination regarding the child's *best interests*.

**Comments:**

## (I) VALID REMOVALS

[Statutory Citation: §§ 472(a)1 & 2 of the Act; Regulatory Citation: 45 CFR § 1356.21(k)(2)]

### 18. Has there been a *valid removal* of the child from the home during the most recent foster care episode?

Indicate **YES** or **NO**. The response is **NO** if the response is **NO** to Questions 12 and 15. The response also is **NO** if the child is removed from the parent or another specified relative through a court order or voluntary placement agreement, and the child remains with the same relative in that home under that relative's responsibility and the title IV-E agency's supervision.

YES ☐

NO ☐

If **NO**, the child is ineligible for title IV-E for the entire foster care episode.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

For title IV-E eligibility, a *valid removal* is a removal that is in accordance with a *voluntary placement agreement* (VPA) or a judicial finding of *contrary to the welfare* (CTW) that sanctions the removal (physical or constructive) of the child from the parent or legal guardian who signs the VPA or whose home is the subject of the CTW finding. [See § 472(a)(1) of the Act and 45 CFR § 1356.21(k).]

Consistent with 45 CFR § 1356.21(k)(2), a removal is not valid under title IV-E when the child is removed from the specified relative through a voluntary placement agreement or a court order, and the child remains with that same specified relative in the home under that relative's responsibility and the title IV-E agency's supervision.

For court-ordered removals, the physical removal from the above-referenced specified relative must coincide with the CTW finding. If the physical removal does not take place by the end of the next business day of the CTW finding and the court order does not specify an alternative time frame for removal, the child is ineligible for the entire foster care episode unless there is an extenuating circumstance that delays the physical removal. If there is an extenuating circumstance related to the delayed removal, notify the Children's Bureau (CB) team leader so that the relevant case information can be referred to the CB Central Office for further consideration.

Explain below in *Comments* the specific reason the requirement is not satisfied.

**Comments:**

## (J) ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan)

### Applicable to Court-Ordered Removals Only

[Statutory Citation: § 471(a)(15)(B)(ii) and (C) of the Act; Regulatory Citation: 45 CFR § 1356.21(b)(2) & (d)]

**For Questions 19, 19(a), 19(b), 19(c), 19(d), and 19(e):** Answer each question in sequential order to verify that a judicial determination of *reasonable efforts to finalize the permanency plan* was satisfied for the 12-month period that includes the PUR.

To maintain title IV-E eligibility in a judicial removal, there must be a judicial determination to the effect that the title IV-E agency has made reasonable efforts to finalize the child's permanency plan. [See 45 CFR § 1356.21(b)(2).] The judicial determination of *reasonable efforts to finalize the permanency plan* must be (1) made in a valid court order; (2) made on a case-by-case basis and child-specific; (3) explicitly stated in the court order; and (4) in conformity with Federal regulatory time frames to satisfy compliance with the title IV-E requirements for court-ordered removals. Affidavits, *nunc pro tunc* court orders, and other similar-purpose documents are not acceptable documentation to support a judicial finding, except as provided in § 479B of the Act for a limited period for Tribes. If an acceptable court order is not furnished, an official transcript of the court proceeding is the only alternative to substantiate that the judicial determination requirement is met satisfactorily. [See 45 CFR § 1356.21(d).] The precise language, *reasonable efforts*, does not have to be included in the court ruling. However, consistent with DAB Decision No. 1998, there must be an expressed statement in the court order or court transcript that can be clearly understood as a determination that the title IV-E agency has made reasonable efforts, as required for title IV-E eligibility.

**(J) ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan) Continued****Applicable to Court-Ordered Removals Only**

[Statutory Citation: § 471(a)(15)(B)(ii) and (C) of the Act; Regulatory Citation: 45 CFR § 1356.21(b)(2) & (d)]

For a removal before March 27, 2000: The judicial determination must have occurred *by March 27, 2001*, and at least once every 12 months thereafter while the child is in foster care. If the judicial determination is not made by March 27, 2001, ineligibility for title IV-E payments is from April 1, 2001, until the judicial determination requirement is met. The reviewer is not required to verify the title IV-E agency's compliance with the March 27, 2001, implementation date. The reviewer must verify whether the judicial determination requirement was satisfactorily met for the 12-month period that includes the PUR. If the judicial determination requirement was not met for the PUR, then the reviewer must go back to the date the requirement was met or March 27, 2001, whichever was later, to establish the period of ineligibility.

For a removal on or after March 27, 2000: The initial judicial determination must be made no later than 12 months from the date on which the child is considered to have entered foster care (Question 11). Thereafter, the judicial determination must be made at least once every 12 months while the child is in foster care. The reviewer must verify whether the judicial determination requirement was satisfactorily met for the 12-month period that includes the PUR. If the judicial determination requirement was not met for the PUR, then the reviewer must go back to the date the requirement was met to establish eligibility.

Regardless of the removal date, calculation of the 12-month period is based on calendar months and is not counted from date to date.

**Periodicity Chart for Judicial Determination of Reasonable Efforts to Finalize the Permanency Plan**

Record information in the following chart only if necessary to determine the most recent judicial finding attained prior to the PUR and to determine whether an initial or subsequent judicial finding is required during the 12-month period that includes the PUR. If the chart is completed and an untimely judicial determination is identified with ineligible payments, record the ineligible period(s) on the attached "Improper Payment Chart." The below chart may be a helpful tool to use in some circumstances, but its completion is not required.

**Date Removed (month/day/year):** \_\_\_\_\_

- Removal before March 27, 2000: Refer to Question 10

**Date Entered Foster Care (month/day/year):** \_\_\_\_\_

- Removal on or after March 27, 2000: Refer to Question 11

Date judicial determination due (month/year)	Date judicial determination made (month/year)	Is this decision timely? (Indicate Yes or No)	If decision is untimely, is title IV-E maintenance paid for the period? (Indicate Yes or No)

**Comments:**



**(J) ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan) *Continued***

**Applicable to Court-Ordered Removals Only**

[Statutory Citation: § 471(a)(15)(B)(ii) and (C) of the Act; Regulatory Citation: 45 CFR § 1356.21(b)(2) & (d)]

**19. Was the child in foster care 12 months or more before the last day of the PUR?**

Indicate **N/A** if the removal was the result of a *voluntary placement agreement*. Otherwise, indicate **YES** or **NO**. A **YES** response is based on the date in Question 10, for a removal before March 27, 2000; or Question 11, for a removal on or after March 27, 2000. If Question 19 is **NO**, a judicial determination of *reasonable efforts to finalize the permanency plan* was not due for the PUR. Questions 19(a)–19(e) are **N/A**.

YES ☐

NO ☐

N/A ☐

**Comments:**

**19(a). If Question 19 is YES, what was the date of the most recent judicial determination of reasonable efforts to finalize before the PUR?**

Indicate **N/A** if: (1) the removal was the result of a *voluntary placement agreement*; (2) the response to Question 19 is **NO**; (3) the date of the initial judicial determination fell within the PUR; or (4) the due date for the judicial determination fell within the 12-month period immediately before the PUR but was not made. Explain below in *Comments* the specific reason for the **N/A** response. Otherwise, record the month and year of the last judicial determination obtained before the beginning of the PUR.

N/A ☐

**Date of most recent judicial finding (month/year):** \_\_\_\_\_

Question 19(a) establishes whether an *initial* or *subsequent* judicial finding is required for the 12-month period that includes the PUR.

**Comments:**

**19(b). What was the due date of the judicial determination due 12 months from the date recorded in Question 19(a)?**

Indicate **N/A** if the removal was the result of a *voluntary placement agreement*. Otherwise, record the date of the judicial determination that was due 12 months from the date recorded in Question 19(a). If a date is not recorded in Question 19(a) because the required judicial determination was not made before the PUR, record the month and year it should have been made and note below in *Comments* the reason for the recorded date.

N/A ☐

**Due date of judicial finding (month/year):** \_\_\_\_\_

**Comments:**

**19(c). On what date was the judicial determination in Question 19(b) made?**

Indicate **N/A** if: (1) the removal is the result of a *voluntary placement agreement* or (2) 12 months have not elapsed since the date recorded in Question 19(b) and a judicial determination was not made during that interim period. Explain below in *Comments* the specific reason for the **N/A** response. Otherwise, for the judicial determination referenced in Question 19(b), record in Question 19(c) the month and year that the *initial* or *subsequent* judicial determination was made. If the judicial determination was due but not made, note this below in *Comments*.

N/A ☐

**Date of judicial finding (month/year):** \_\_\_\_\_

**Comments:**

**(J) ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan) *Continued***

**Applicable to Court-Ordered Removals Only**

[Statutory Citation: § 471(a)(15)(B)(ii) and (C) of the Act; Regulatory Citation: 45 CFR § 1356.21(b)(2) & (d)]

**19(d). Was the judicial determination recorded in Question 19(c) timely?**

Indicate **N/A** if the removal was the result of a *voluntary placement agreement* or if Question 19(c) is **N/A** because 12 months have not elapsed since the date recorded in Question 19(b) and a judicial determination was not made during that interim period. Explain below in *Comments* the specific reason for the **N/A** response. Otherwise, indicate **YES** or **NO** based on the date recorded in Question 19(c).

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

A judicial determination is not considered timely if the finding is not made within the required 12-month time frame. The date of the latest judicial determination is used to determine the date the subsequent one must be made. An untimely judicial determination renders the child ineligible beginning on the first day of the month after it is due and continuing to the first day of the month it is attained.

Explain below in *Comments* the specific reason the requirement is not satisfied.

**Comments:**

**19(e). If Question 19(d) is NO, were title IV-E funds paid as a result of the untimely judicial determination?**

Indicate **N/A** if the response to Question 19(d) is **N/A** or **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response to Question 19(e) is **YES**, this indicates a potential error case or case with ineligible payments.

If the untimely judicial determination is attained in the month immediately following the month it is due, the child regains eligibility beginning that month and title IV-E maintenance payments that are made for that period are considered properly paid. On the other hand, if the untimely judicial determination is not attained within the month immediately following the month it is due, the child loses eligibility until the requisite judicial determination is made and the associated title IV-E maintenance payments are disallowed. [See 45 CFR § 1356.21(b)(2).]

If the title IV-E maintenance payment is made for a period in which the child is not eligible and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed.

If the title IV-E maintenance payment is made for a period in which the child is not eligible and the ineligible period is in the PUR, the sample case is in error and the title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**



## (J) ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan) *Continued*

### Applicable to Court-Ordered Removals Only

[Statutory Citation: § 471(a)(15)(B)(ii) and (C) of the Act; Regulatory Citation: 45 CFR § 1356.21(b)(2) & (d)]

#### 19(f). Is the requirement met for the judicial finding of reasonable efforts to finalize the permanency plan?

Indicate **N/A** if the removal was the result of a *voluntary placement agreement*. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response is **NO**, the child is ineligible to have title IV-E payments made on the child's behalf.

The response to Question 19(f) is **YES** if 12 months have not elapsed since the date in Question 19(b) or the response to Question 19(d) is **YES**.

The response to Question 19(f) is **NO** if the judicial determination is not (1) child specific; (2) to the effect that the title IV-E agency has made *reasonable efforts to finalize the child's permanency plan*; (3) explicitly stated in the court order or court transcript; and (4) in conformity with regulatory time frames.

If the title IV-E maintenance payment is made for the period in which the child is ineligible and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed.

If the title IV-E maintenance payment is made for the period in which the child is ineligible and the ineligible period is in the PUR, the child's sample case is in error and the title IV-E maintenance payment is disallowed.

Explain below in *Comments* the specific reason the requirement is not satisfied.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (K) AFDC (Aid to Families with Dependent Children) ELIGIBILITY

[Statutory Citation: §§ 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR §§ 233.20, 233.90 and 1356.21(k) & (l)]

#### 20. Was the child removed from the home of a specified relative?

Indicate **YES** or **NO** and record from whose home the child was physically or constructively removed (e.g., parent, aunt, legal guardian) according to a court order (Question 12) or *voluntary placement agreement* (Question 15). For title IV-E eligibility, the removal home is the home of the specified relative who is the subject of the *contrary to welfare* judicial determination, or who signs the *voluntary placement agreement*.

YES ☐

NO ☐

Removal Home: \_\_\_\_\_

If the bold **NO** box is checked, this indicates an error case with ineligible payments, and the child is ineligible under title IV-E for the entire foster care episode.

In a judicial removal, the court order might indicate that the child was removed from the home of various individuals, such as a specified relative or an unrelated caregiver. In a voluntary placement, a parent or legal guardian (related or unrelated) might have signed the *voluntary placement agreement*. However, to qualify for title IV-E, a valid removal of the child from a specified relative must occur for the most recent foster care episode. [See 45 CFR § 1356.21(k).] A specified relative may be a parent or any relation by blood, marriage, or adoption who is within the fifth degree of kinship to the child. [See 45 CFR § 233.90(c)(1)(v).] When the child is living with an interim caregiver at removal, the child is considered to be constructively removed from the specified relative who is the subject of the *contrary to welfare* judicial determination or who signs the *voluntary placement agreement*. A constructive removal is a non-physical removal that occurs only on paper from that specified relative. Constructive removals apply to judicial or voluntary removals occurring on or after March 27, 2000, for a child who has not lived with an interim caregiver longer than 6 months prior to the constructive removal.

**Comments:**

**(K) AFDC (Aid to Families with Dependent Children) ELIGIBILITY *Continued***

[Statutory Citation: §§ 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR §§ 233.20, 233.90 and 1356.21(k) & (l)]

**21. If Question 20 is *YES*, was the child *living with* that specified relative in the month court proceedings were initiated or the date the voluntary placement agreement was signed?**

If Question 20 is **NO**, indicate **N/A**. Otherwise, indicate **YES** if the child was living with the specified relative (referred to in Question 20) in the month that court proceedings were initiated to remove the child, or on the date the *voluntary placement agreement* was signed (date that is recorded in Question 16). Indicate **NO** if the child was not living with that specified relative during either time frame.

YES ☐ NO ☐ N/A ☐

Date child last lived with specified relative (month/day/year): \_\_\_\_\_

Date court proceedings initiated (judicial removal only) (month/day/year): \_\_\_\_\_

Date *voluntary placement agreement* signed (month/day/year): \_\_\_\_\_

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

For judicial removals, the date the court proceedings were initiated to judicially remove the child is usually the date the removal petition is filed with the court.

**NOTE:** If a removal petition (1) is not filed or (2) is filed after the removal court order, then use the date of the removal court order as the date the court proceedings were initiated.

**Comments:**

**21(a). If Question 21 is *NO*, had the child lived with the specified relative within 6 months of the date the court proceedings were initiated, or the date the *voluntary placement agreement* was signed?**

Indicate **N/A** if Question 20 is **NO** or Question 21 is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐ NO ☐ N/A ☐

Date child last lived with specified relative (month/year): \_\_\_\_\_

Date court proceedings initiated (judicial removal only) (month/year): \_\_\_\_\_

Date *voluntary placement agreement* signed (date recorded in Question 16) (month/year): \_\_\_\_\_

If the response is **NO** to Questions 21 and 21(a), the child is ineligible for title IV-E for the entire foster care episode and the case is an error case.

For title IV-E eligibility purposes, a child must be living with a specified relative during the month in which court proceedings are initiated to remove the child from that relative's home or the month in which the specified relative signed a *voluntary placement agreement*. The only exception to this requirement is when a child has not been living with that specified relative in such month, but has lived with that relative within 6 months of the initiation of court proceedings or signing of the *voluntary placement agreement*. [See § 472(a)(3)(A)(II) of the Act and 45 CFR § 1356.21(l)(2).] When the child is living with an interim caregiver at removal, the child is considered to be constructively removed from the specified relative who is the subject of the *contrary to welfare* judicial determination or who signs the *voluntary placement agreement*. Calculation of the 6-month period for the *living with* requirement is based on calendar months and is not counted from date to date. For judicial removals, the date the court proceedings are initiated is usually the date on which the removal petition is filed with the court.

**NOTE:** If a removal petition (1) is not filed or (2) is filed after the removal court order, then use the date of the removal court order as the date the court proceedings are initiated.

**Comments:**

**(K) AFDC (Aid to Families with Dependent Children) ELIGIBILITY *Continued***

[Statutory Citation: §§ 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR §§ 233.20, 233.90 and 1356.21(k) & (l)]

**22. Were the removal from and living with requirements met by the same specified relative?**

Indicate **YES** if the response is **YES** to Question 20 and either Question 21 or Question 21(a). Otherwise, indicate **NO**.

YES ☐

NO ☐

If **NO**, the case is in error and the child is ineligible for the entire foster care episode.

**NOTE:** The court decision in *Rosales v. Thompson* permits States only in the Ninth Circuit to base AFDC eligibility on the home of any specified relative with whom the child has lived at some point in the 6 months before the removal. The *Rosales* court decision cannot be applied in the case of a child removed before the approval date of the State's title IV-E plan to implement the provision or after the month the annual redetermination of AFDC eligibility was due between June 2006 and June 2007. As of June 30, 2007, all children who were found eligible solely under the *Rosales* exception became ineligible for the remainder of the foster care episode. [See ACYF-CB-PI-06-06.]

**Comments:**

**23. Was AFDC eligibility based on the circumstances in the home of the specified relative against whom the contrary to the welfare judicial determination was made or who signed the voluntary placement agreement?**

Indicate **YES** or **NO**, and record the home that is the basis of the AFDC determination (e.g., parent, aunt).

YES ☐

NO ☐

**AFDC home:** \_\_\_\_\_

If the answer is **NO**, or the basis of the AFDC determination is not a specified relative (e.g., a non-related legal guardian), the child is ineligible for title IV-E for the entire foster care episode.

**NOTE:** If the response is **NO** because the agency made the eligibility determination on the wrong individual's home, the title IV-E agency may reconstruct the AFDC factors based on the circumstances in the home on which the AFDC determination should be made (Question 20). If the title IV-E agency does not reconstruct the AFDC factors, the eligibility requirement with regard to the AFDC home is not met and the child is ineligible under title IV-E for the entire foster care episode. Also, if the eligibility requirement is not met after reconstruction, the child is ineligible under title IV-E for the entire foster care episode.

For title IV-E eligibility, a child must be eligible for AFDC (in effect July 16, 1996) in the specified relative's home from which the child is removed according to a *voluntary placement agreement* or judicial determination to the effect that it is *contrary to the child's welfare* to remain in the home. If the child is not AFDC-eligible in the specified relative's home from which the child was voluntarily or judicially removed, the child is ineligible for title IV-E for the duration of the foster care episode under ACYF-CB-PI-06-06.

**Comments:**

**(K) AFDC (Aid to Families with Dependent Children) ELIGIBILITY *Continued***

[Statutory Citation: §§ 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR §§ 233.20, 233.90 and 1356.21(k) & (l)]

**24. Was AFDC *eligibility* based on the circumstances in the specified relative's home in the month the court proceedings were initiated or the month the voluntary placement agreement was signed?**

This question applies to the specified relative's home listed in Question 23. Indicate **YES** or **NO** and record the first month of AFDC eligibility for the foster care episode, not the month the eligibility determination is completed.

YES ☐ NO ☐

AFDC eligibility month (month/year): \_\_\_\_\_

**NOTE:** If the response is **NO**, the title IV-E agency may reconstruct the AFDC factors to verify the correct AFDC eligibility month. If the title IV-E agency does not reconstruct the AFDC factors, the eligibility requirement with regard to the AFDC month is not met and the child is ineligible under title IV-E for the entire foster care episode. Also, if the eligibility requirement is not met after reconstruction, the child is ineligible under title IV-E for the entire foster care episode.

The child must be eligible for AFDC in the removal home (Question 23) in the month the *voluntary placement agreement* is signed or court proceedings were initiated that lead to the judicial removal, but "prior to" the child's physical or constructive removal. [See § 472(a)(3)(A) of the Act and 8.4A, Question #21 of the CWPM.] "Prior to" removal means the agency must consider the child's household circumstances prior to the day of the child's removal. Any familial or economic changes that occur after the child's removal may not be considered. The court proceedings that lead to the removal may be the result of a removal petition or a court order. Use the month of the removal court order if a removal petition is not filed or is filed after the month of the removal court order.

The title IV-E agency's determination process must document AFDC eligibility in the home of the specified relative who is the subject of the *contrary to welfare* judicial determination or who signs the *voluntary placement agreement*. When the child is removed from a specified relative other than the parent, the title IV-E agency can consider the AFDC assistance unit to include only the child and the child's minor siblings in the same household as the child when looking at financial need in that specified relative's home. However, that specified relative is included in the AFDC assistance unit if doing so is required by the State's title IV-A plan as in effect on July 16, 1996.

**Comments:**

**24(a). Was *financial need* established?**

Indicate **YES** or **NO**.

YES ☐ NO ☐

If **NO**, the child is ineligible for the entire foster care episode.

The title IV-E agency must document its determination that financial eligibility is met for the month the *voluntary placement agreement* is signed or the court removal proceedings are initiated, but prior to the child's physical or constructive removal. The child's financial need must be established based on the income and resources available to the child and the other members included in the AFDC assistance unit. [See 8.4A, Question #18 of the CWPM.] For AFDC eligibility, the AFDC assistance unit's income must not exceed the State's AFDC income standard and the combined resources must not exceed \$10,000. [See § 472(a)(3)(B) of the Act.]

**Comments:**

**(K) AFDC (Aid to Families with Dependent Children) ELIGIBILITY *Continued***

[Statutory Citation: §§ 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR §§ 233.20, 233.90 and 1356.21(k) & (l)]

**24(b). Was deprivation of parental support or care established?**

Indicate **YES** or **NO**.

YES ☐

NO ☐

If **NO**, the child is ineligible for the entire foster care episode.

The title IV-E agency's documentation must specify how the child is deprived of parental support or care. *Deprivation* must be due to the death, absence, physical or mental incapacity of one parent; or due to unemployment (or underemployment) of the principal wage earner. The determination of *deprivation* is based on parental factors in the month the *voluntary placement agreement* is signed or the removal court proceedings are initiated, but prior to the child's physical or constructive removal from the home. Parental factors are considered regardless of whether the child is judicially or voluntarily removed from the parent or another specified relative. [See 45 CFR § 233.90(c) and 8.4A, QA #21 of the CWPM.]

**Comments:**

**25. Did the child meet the AFDC requirements for eligibility?**

Indicate **YES** or **NO**. The response is **NO** if the response is **NO** to Question 20, 21(a), 22, 23, 24, 24(a), or 24(b).

YES ☐

NO ☐

If the bold **NO** box is checked, this indicates an error case with ineligible payments and the child is ineligible under title IV-E for the entire foster care episode.

To qualify for AFDC, the title IV-E agency, at a minimum, must establish and document for the month of the *voluntary placement agreement* or initiation of removal court proceedings that the child is removed, physically or constructively, from the home of a specified relative (Question 20); living with that same specified relative within 6 months of the child's removal (Questions 21 and 22); AFDC-eligible in that home in the month of, and prior to, removal (Questions 23-24); financially needy (Question 24[a]); and deprived of parental support or care (Question 24[b]).

Explain below in *Comments* the specific reason the requirement is not satisfied.

**Comments:**

**25(a). If Question 25 is NO, were title IV-E funds paid for the period of ineligibility?**

Indicate **N/A** if Question 25 is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If Question 25(a) is **YES**, this is an error case and the child is ineligible for the entire foster care episode.

Record ineligible periods on the attached ***Improper Payment Chart***.

**Comments:**

## (L) AGE AND EXTENDED TITLE IV-E FOSTER CARE ASSISTANCE

[Statutory Citation: §§ 406, 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR § 233.90(b)]

### 26. Was the youth 18 years or older at any point during the PUR?

Indicate **YES** or **NO**.

YES ☐

NO ☐

Question 26 applies to youth who are age 18-19 years old under the State's title IV-A plan for AFDC. As such, school attendance is not an eligibility consideration unless the youth is 18 years old or older and the title IV-E agency chooses under its title IV-A plan to claim title IV-E maintenance payments for a youth up to age 19.

Sections 406 and 472 of the Act limit title IV-E coverage to children under the age of 18 unless certain conditions are met to extend title IV-E assistance to youth who are age 18-19 years old, as elected in the State's title IV-A plan for AFDC.

**NOTE:** Beginning 10-01-2010, the title IV-E agency may opt to extend assistance up to age 21 under § 475(8) of the Act. If the title IV-E agency exercises the title IV-E plan option, the case of the 18-year-old or older youth is excluded from the review sample.

**Comments:**

### 26(a). If Question 26 is YES, does the title IV-E agency have an approved title IV-A plan option to extend title IV-E coverage to youth age 18-19 years old?

Indicate **N/A** for a child under age 18. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

If Question 26(a) is **NO**, the response to Question 26(d) also is **NO** for the youth, age 18 to 19 years old.

The State may have elected in its title IV-A plan (in effect on July 16, 1996) to provide AFDC eligibility until age 19 for youth who meet the age and school attendance criteria specified in the approved title IV-A plan. To extend title IV-E coverage under the title IV-A plan option, the youth also must continue to meet the title IV-E eligibility criteria under § 472(a) of the Act. If the title IV-A plan option is not exercised, eligibility for title IV-E ceases at the end of the month the otherwise eligible youth turns 18.

**Comments:**

### 26(b). If the title IV-A plan option was exercised, was the youth a full-time student in a secondary school or equivalent?

Indicate **N/A** for a child under age 18 or if the title IV-A plan option is not elected. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

If Question 26(b) is **NO**, the response to Question 26(d) also is **NO**.

If the age and school attendance option is authorized in the State's approved title IV-A plan (in effect on July 16, 1996), the otherwise eligible youth must be: (1) a full-time student in a secondary school or its equivalent level of vocational or technical training; and (2) expected to complete the educational program before reaching age 19. School records, independent living plans, or other equivalent documentation are examples of evidence that may be used to satisfy the school attendance requirement.

**Comments:**



**(L) AGE AND EXTENDED TITLE IV-E FOSTER CARE ASSISTANCE *Continued***

[Statutory Citation: §§ 406, 472(a)(1) and (3) of the Act; Regulatory Citation: 45 CFR § 233.90(b)]

**26(c). If the title IV-A plan option is exercised, is the youth expected to *complete that educational program* before his or her 19th birthday?**

Indicate **N/A** for a child under age 18 or if the title IV-A plan option is not elected. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

If Question 26(c) is **NO**, the response to Question 26(d) also is **NO**.

**Comments:**

**26(d). Are the requirements met to extend eligibility coverage under the title IV-A plan option?**

Indicate **N/A** for a child under age 18 or if the title IV-A plan option is not elected and title IV-E funds are not claimed for the youth, age 18-19 years old. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response is **NO**, the youth, age 18-19 years old, is ineligible for title IV-E.

For extended title IV-E eligibility under the title IV-A plan option, the title IV-E agency must document that the otherwise eligible youth is a full-time student in a secondary school or its equivalent (Question 26[b]) and is expected to complete the educational program before age 19 (Question 26[c]). Eligibility for title IV-E, then, ceases at the end of the month the otherwise eligible youth, age 18-19, leaves school or at the end of the month the otherwise eligible youth turns 19, whichever occurs earlier. Title IV-E eligibility also stops at the end of the month in which it is determined the otherwise eligible youth, age 18-19, will not complete the educational program before reaching age 19.

Explain below in *Comments* the specific reason the requirement is not satisfied.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

**26(d)(1). If Question 26(d) is **NO**, were title IV-E funds paid for the period of ineligibility?**

Indicate **N/A** for a child under age 18, or if Question 26(d) is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response is **YES**, the title IV-E maintenance funds paid for the period of ineligibility outside the PUR are disallowed. If the title IV-E maintenance funds were paid for the period of ineligibility in the PUR, the case is an error case and the ineligible payments are disallowed.

Record the ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (M) TITLE IV-E AGENCY RESPONSIBILITY FOR PLACEMENT AND CARE

[Statutory Citation: §§ 472(a)(2)(B)(i) of the Act; Regulatory Citation: 45 CFR § 1356.71(d)(1)(iii)]

### 27. Did the title IV-E agency have *responsibility for the placement and care of the child for the period the child was in an out-of-home placement during the PUR?*

Indicate **YES** or **NO** and record the name of the title IV-E agency with responsibility for placement and care of the child.

YES ☐

NO ☐

Agency name: \_\_\_\_\_

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Federal statutes at § 472(a)(2)(B) of the Act require the responsibility for placement and care of a child to be vested with the title IV-E agency or another public agency or Tribe (also referred to as “public agency”) that has a written agreement, as provided for under § 472(a)(2)(B)(ii), in effect with the title IV-E agency. Evidence of responsibility for placement and care of the child can be documented in the voluntary placement agreement, court order, or court transcript.

**Comments:**

### 27(a). If Question 27 is **NO**, did another public agency have *responsibility for the placement and care of the child?*

Indicate **N/A** if Question 27 is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

Agency name: \_\_\_\_\_

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Record the name of the agency with responsibility for placement and care of the child. If an individual, a private agency, or a public agency (that does not have a title IV-E agreement with the title IV-E agency) has placement and care responsibility for the child during the PUR, and explain this response below in *Comments*.

Federal statutes at § 472(a)(2)(B) of the Act require the responsibility for placement and care of a child to be vested with the title IV-E agency or another public agency or Tribe (also referred to as “public agency”) that has a written agreement, as provided for under § 472(a)(2)(B)(ii) of the Act, in effect with the title IV-E agency. Evidence of responsibility for placement and care of the child can be documented in the voluntary placement agreement, court order, or court transcript.

**Comments:**

### 27(b). If another public agency had this responsibility, was there a *title IV-E agreement in effect between this agency and the title IV-E agency?*

Indicate **N/A** if Question 27 is **YES** or Question 27(a) is **NO**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

If Question 27(b) is **NO**, the response to Question 27(c) also is **NO**.

An agreement under § 472(a)(2)(B)(ii) of the Act permits the public agency to administer the title IV-E foster care program on the title IV-E agency’s behalf for a child under the placement and care of the public agency.

**Comments:**



**(M) TITLE IV-E AGENCY RESPONSIBILITY FOR PLACEMENT AND CARE *Continued***

[Statutory Citation: §§ 472(a)(2)(B)(i) of the Act; Regulatory Citation: 45 CFR § 1356.71(d)(1)(iii)]

**27(c). Were the requirements regarding *placement and care* met?**

Indicate **YES** or **NO**.

YES ☐

NO ☐

If Question 27 and Question 27(a) are **NO**, the response to Question 27(c) also is **NO**. If the bold **NO** box is checked, the child is ineligible to have title IV-E payments made on the child's behalf and this indicates a potential error case or case with ineligible payments.

The title IV-E agency must document that it or another public agency with which it has an agreement, as provided for under § 472(a)(2)(B)(ii) of the Act, has responsibility for placement and care of the child.

Evidence of responsibility for placement and care of the child can be documented in the voluntary placement agreement, court order, or court transcript.

Explain below in *Comments* the specific reason the requirement is not satisfied.

**Comments:**

**27(d). If Question 27(c) is **NO**, were title IV-E funds paid for the period in which the *placement and care responsibility* requirement was not met?**

Indicate **N/A** if Question 27(c) is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the response to Question 27(d) is **YES**, the child is ineligible to have title IV-E payments made on the child's behalf and the title IV-E maintenance payments made for the period of ineligibility outside the PUR are disallowed. If the title IV-E maintenance payments are paid for the period of ineligibility in the PUR, the case is an error case and the ineligible payments are disallowed.

Placement and care responsibility may be granted at removal or at any point in the foster care episode; however, title IV-E maintenance payments may not be claimed before the month the eligibility requirement is met for the otherwise eligible child.

The title IV-E payments also may not be claimed for the period beginning on the day of the month the agency loses placement and care authority for the child.

Record any ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (N) PLACEMENT IN LICENSED FOSTER CARE SETTINGS

[Statutory Citation: §§ 472(b) & (c) of the Act; Regulatory Citation: 45 CFR §§ 1355.20 and 1356.71(d)(1)(iv)]

Complete for **every** foster care placement where the child resided during the PUR.

Use the supplemental sheet (Appendix 1) to record separately each additional foster care placement during the PUR.

*NOTE:* All provider information recorded below will be kept confidential and will not be disclosed for any purposes outside of the review.

28. **Provider Name:** \_\_\_\_\_

29. **Provider Street Address:** \_\_\_\_\_

30. **Provider City:** \_\_\_\_\_

31. **Provider State:** \_\_\_\_\_

32. **Date(s) of child's stay in this foster care placement (month/day/year):**

Record the dates covering the entire time the child was in the foster care setting.

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

**Comments:**

33. **Type of foster care setting (check one):**

Indicate the type of setting in which the child lived during the PUR. Under § 472(c)(2) of the Act, an allowable foster care placement for title IV-E eligibility purposes is a foster family home, group home, public childcare institution of 25 children or fewer, or private childcare institution. The *Other* category should be used only when the child has not lived in one of the placement types listed.

Foster Family Home ☐

Group Home ☐

Public Childcare Institution (25 children or fewer) ☐

Private Childcare Institution ☐

Supervised Independent Living Placement ☐

Other ☐ (**Specify Other**): \_\_\_\_\_

*NOTE:* Beginning on October 1, 2010, the definition of a childcare institution also includes a supervised independent living placement in which a youth age 18 years or older is living independently. [See § 472(c) of the Act.] A youth who is eligible to remain in foster care until age 19 pursuant to a State title IV-A plan option (as in effect July 16, 1996) may be placed in a supervised independent living setting. If such youth, age 18-19, is placed in this type of setting, indicate **N/A** for questions 33(a)-37.

**Comments:**

**(N) PLACEMENT IN LICENSED FOSTER CARE SETTINGS *Continued***

[Statutory Citation: § 472(b) & (c) of the Act; Regulatory Citation: 45 CFR §§ 1355.20 and 1356.71(d)(1)(iv)]

**33(a). If Question 33 is *Other*, were title IV-E funds paid for the period in which the child resided in the placement during the PUR?**

Indicate **YES** or **NO** only if the response to Question 33 is **Other**, otherwise indicate **N/A**.

YES ☐

NO ☐

N/A ☐

If the **Other** category is selected in Question 33, the child is ineligible for title IV-E while in that placement and the associated title IV-E maintenance payments are disallowed.

If the title IV-E maintenance payments are for periods in the PUR in which the child is ineligible, the case is in error and the title IV-E maintenance payments are disallowed.

Record all ineligible periods on the attached ***Improper Payment Chart***.

A child is not eligible under title IV-E if the child's foster care placement is a setting other than one of the placement types listed in Question 33. A child is not eligible under title IV-E for the period in which the child is in a placement setting such as a detention center, hospital or other medical facility, public institution of more than 25 children, pre-adoptive family home that is not licensed as a foster family home, or supervised setting in which the child under age 18 is living independently.

**Comments:**

**34. Was the foster care provider in Question 33 fully licensed during the child's placement that falls within the PUR?**

Indicate **N/A** if the response to Question 33 is **Other**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, the child is ineligible to have title IV-E maintenance payments made on the child's behalf and this indicates a potential error case or case with ineligible payments.

Record the entire period(s) of licensure that includes the entire PUR.

**Licensure period (month/day/year):** From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

The title IV-E agency must document that the child's foster care placement is fully licensed or approved for the child's placement during the PUR, even when the placement is an out-of-State foster care setting. Interim, provisional, or other such type license issued pending complete satisfaction of the licensing agency's requirements for full licensure are not acceptable for title IV-E eligibility. For the IV-E review, the term "fully licensed" refers to foster care settings that meet all of the applicable licensing requirements for full licensure, approval, certification, or other synonymous term. [See 45 CFR § 1355.20, definition of "foster family home," and 8.3A.8c of the CWPM.]

**Comments:**

## (N) PLACEMENT IN LICENSED FOSTER CARE SETTINGS *Continued*

[Statutory Citation: § 472(b) & (c) of the Act; Regulatory Citation: 45 CFR §§ 1355.20 and 1356.71(d)(1)(iv)]

### 34(a). If Question 34 is **NO**, were title IV-E funds paid for the period during which the foster care provider was not fully licensed during the PUR?

Indicate **N/A**, if the response to Question 33 is **Other** or Question 34 is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If Question 34(a) is **YES**, the title IV-E maintenance payments are disallowed for the ineligible child.

If the title IV-E maintenance payment is for a period in which the child does not meet the eligibility requirement and the ineligible period is in the PUR, the case is in error and the title IV-E maintenance payment is disallowed. Record any ineligible periods on the attached ***Improper Payment Chart***.

- For a foster family home licensed before March 27, 2000: Beginning October 1, 2000, must meet full licensure.
- For a foster family home licensed on or after March 27, 2000: Beginning April 1, 2000, must meet full licensure.
- For childcare institutions: Regardless of licensing date, must meet full licensure.

The otherwise eligible child is considered eligible for the entire month if residing in a title IV-E allowable foster family home or child-care institution that becomes fully licensed within the month. [See 8.3A.15, Question #1 of the CWPM.] However, if during the month a foster family home or child-care institution license becomes provisional, probationary, suspended, revoked, or otherwise not in a fully licensed status due to its failure to satisfy each of the licensing agency's requirements for full licensure, the title IV-E agency may not claim foster care maintenance payments for the period in which the foster care provider is not fully licensed. The child placed in that foster family home or child-care institution becomes ineligible beginning on the day of the month the foster care provider loses its full licensure status. The otherwise eligible child placed in such foster care setting can become eligible again under title IV-E for the entire month in which the foster care setting comes into full compliance with the licensing requirements.

**Comments:**

### 35. Were the title IV-E requirements related to the licensure of the child's placement met?

Indicate **YES** or **NO**. The response to Question 35 is **NO** if the response to Question 33 is **Other** or the response to Question 34 is **NO**.

YES ☐

NO ☐

For title IV-E eligibility under 45 CFR § 1356.71(d)(1)(iv), the child must reside in a foster family home or childcare institution that is fully licensed for the duration of the child's placement. Federal financial participation may not begin until the first day of the child's placement in the foster care setting in the month in which full compliance with the title IV-E eligibility requirements are met by the child.

Explain below in *Comments* the specific reason the requirement is not satisfied.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (O) SAFETY REQUIREMENTS

[Statutory Citation: § 471(a)(20) of the Act; Regulatory Citation: 45 CFR §§ 1355.20, 1356.30, and 1356.71(d)(1)(iv)]

Complete for **every** foster care setting where the child resided during the PUR.

Use the supplemental sheet (Appendix 1) to record separately each additional foster care placement during the PUR.

### 36. Was the child's placement during the PUR a foster family home?

Indicate **YES** or **NO**. The response to Question 36 is **NO** if the child's placement was not a foster family home.

YES ☐

NO ☐

**NOTE:** If **YES**, answer Question 36(a), 36(b), or 36(c) and the sub-questions based on when the foster family home became newly licensed.

For title IV-E eligibility, the child's foster family home must comport with the safety requirements under § 471(a)(20) of the Act as applicable, 45 CFR § 1356.30, and ACYF-CB-PI-10-02. The title IV-E agency must document that the foster parents meet the applicable safety requirements for the period for which the title IV-E foster care maintenance payments are made on behalf of the child residing in the foster family home during the PUR. The documentation requirements for the criminal records check (*CRC*) (or background safety checks for former opt-out States) for foster family homes differ based on whether a foster parent(s) becomes newly licensed before or after October 1, 2008 (or the title IV-E agency's approved delayed effective date in either case), as differentiated in Questions 36a–36c. The reviewer must examine each license and licensing period to determine which documentation requirements apply to a foster family home.

The CB uses the term “newly licensed” to refer to a foster family home licensed for the first time. The term also refers to a foster family home for which a previous license has expired or is terminated in accordance with the licensing agency's policy.

The reviewer is not required to verify the title IV-E agency's compliance with the title IV-E plan requirement that the required *CRC* (or background safety checks for former opt-out States) be completed prior to the licensure of the prospective foster parent. However, the reviewer must examine the title IV-E agency's documentation to verify that the applicable requirement was met satisfactorily for the period for which the foster care maintenance payment was made on behalf of the child in the foster care placement during the PUR. Once it is determined that the applicable safety requirement was met at any point prior to or during the PUR, the reviewer does not have to verify subsequent compliance with the requirement during the licensing renewal process.

**NOTE:** A license alone is not sufficient documentation of compliance with the applicable safety requirement.

**Comments:**

## (O) SAFETY REQUIREMENTS *Continued*

[Statutory Citation: § 471(a)(20) of the Act; Regulatory Citation: 45 CFR §§ 1355.20, 1356.30, and 1356.71(d)(1)(iv)]

**36(a). If the foster family home was newly licensed before October 1, 2008, and the title IV-E agency did not “opt out” of the 1997 criminal record check requirement, was a CRC completed satisfactorily on the foster parent(s)?**

Indicate **N/A** if (1) the child's placement was not a foster family home; (2) the State “opted out” of the 1997 CRC requirement prior to October 1, 2008; or (3) the foster family home was newly licensed before November 19, 1997, and remained continuously licensed after this date. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Question 36(a) applies to the CRC requirement for those foster family homes newly licensed between November 19, 1997, and October 1, 2008 (or the title IV-E agency's approved delayed effective date for the fingerprint-based check in either case). If the title IV-E agency did not opt out of the 1997 CRC provisions prior to October 1, 2008, for these foster family homes, Federal requirements under § 471(a)(20) of the Act mandate the title IV-E agency to document the results of a CRC. [ACYF-CB-PI-10-02]

For the IV-E review, the CRC requirement is considered met for the PUR for foster family homes newly licensed between November 19, 1997, and October 1, 2008 (or the title IV-E agency's approved delayed effective date for the fingerprint-based check in either case) if the documentation clearly verifies that: (1) a CRC is completed at either the local, State or Federal level; (2) the foster parent has not been convicted of any of the prohibited felonies listed under § 471(a)(20)(A)(i) and (ii) of the Act; and (3) title IV-E maintenance payments are not made for a period in the PUR prior to these conditions being met. Note that a request for a CRC without obtaining the results of the CRC is not sufficient documentation of compliance with the safety requirement.

**Comments:**

**36(a)(1). If Question 36(a) is NO, were title IV-E funds paid for the period the CRC requirement was not satisfied for the foster parent(s)?**

Indicate **YES** or **NO** if the response to Question 36(a) is **NO**. Indicate **N/A** if the response to Question 36(a) is **YES**.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

For the IV-E review, the documentation must clearly verify that the CRC requirement is met for the period in the PUR in which the title IV-E foster care maintenance payment is made for the child. If the requirement is not fully met as noted in Question 36(a), the child placed in the foster care setting is ineligible under title IV-E. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is in the PUR, the child's case is in error and the ineligible title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (O) SAFETY REQUIREMENTS *Continued*

[Statutory Citation: § 471(a)(20) of the Act; Regulatory Citation: 45 CFR §§ 1355.20, 1356.30, and 1356.71(d)(1)(iv)]

**36(b). If the foster family home was newly licensed before October 1, 2008, and the title IV-E agency “opted out” of the 1997 CRC requirement, were the safety measures completed satisfactorily on the foster parent(s)?**

Indicate **N/A** if: (1) the child’s placement was not a foster family home; (2) the State did not “opt out” of the 1997 CRC requirement prior to October 1, 2008; or (3) the foster family home was newly licensed before March 27, 2000, and remained continuously licensed after this date. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

**NOTE:** The opt-out provision does not apply to foster parents newly licensed on or after October 1, 2008, or the State’s approved delayed implementation date.

Question 36(b) applies to the safety measures pertaining to the background checks for those foster family homes newly licensed between March 27, 2000, and October 1, 2008 (or the title IV-E agency’s approved delayed effective date for the fingerprint-based check). If the title IV-E agency opted out of the 1997 CRC provisions prior to October 1, 2008, for the applicable foster family homes Federal requirements under 45 CFR § 1356.30(a) mandate the title IV-E agency to document compliance with the safety considerations established in accordance with 45 CFR § 1356.30(e) and ACYF-CB-PI-10-02.

For the IV-E review, the safety requirement is considered met for the PUR for those foster family homes newly licensed between March 27, 2000, and October 1, 2008 (or the title IV-E agency’s approved delayed effective date for the fingerprint-based check) if the documentation clearly verifies that: (1) all of the background safety checks prescribed by the licensing agency where the foster family home is located are met for the foster parent; and (2) title IV-E maintenance payments are not made for a period in the PUR that is prior to these conditions being met. The documentation will be accepted based upon the degree it clearly specifies (1) the background checks completed, (2) the date completed, (3) the individual on whom completed, (4) the individual completing the background check or reviewing the results of the background check, and (5) the evidence reviewed. A request for a background check without the results of the record search is not sufficient documentation of compliance.

**Comments:**

**36(b)(1). If Question 36(b) is NO, were title IV-E funds paid for the period the safety measures were not satisfied for the foster parent(s)?**

Indicate **N/A** if the response to Question 36(b) is **YES**. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

For the IV-E review, the documentation must clearly verify that the safety requirement is met for the period in the PUR for which the title IV-E foster care maintenance payment is made for the child. If the requirement is not fully met as noted in Question 36(b), the child placed in the foster care setting is ineligible under title IV-E. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is in the PUR, the child’s case is in error and the ineligible title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**



## (O) SAFETY REQUIREMENTS *Continued*

[Statutory Citation: § 471(a)(20) of the Act; Regulatory Citation: 45 CFR §§ 1355.20, 1356.30, and 1356.71(d)(1)(iv)]

**36(c). If the foster family home was newly licensed on or after October 1, 2008, was a fingerprint-based CRC of the National Crime Information Databases (NCID) completed satisfactorily on the foster parent(s)?**

Indicate **N/A**, if (1) the child's placement was not a foster family home; or (2) the foster family home was newly licensed before October 1, 2008 (or the approved delayed implementation date) and remained continuously licensed after this date. Otherwise, indicate **YES** or **NO**.

YES ☐

NO ☐

N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Question 36(c) applies to the *CRC* for those foster family homes newly licensed on or after October 1, 2008 (or the title IV-E agency's approved delayed effective date for the fingerprint-based check of the *NCID*). For the noted foster family homes, Federal requirements under § 471(a)(20) of the Act mandate the title IV-E agency to document a *CRC* that includes a fingerprint-based check of the *NCID*. [ACYF-CB-PI-10-02]

For the IV-E review, the *CRC* requirement is considered met for the PUR for those foster family homes newly licensed on or after October 1, 2008 (or the title IV-E agency's approved delayed effective date for the fingerprint-based check of the *NCID*) if the documentation clearly verifies that: (1) a *CRC* is completed that includes a fingerprint-based check of the *NCID*; (2) the foster parent has not been convicted of any of the prohibited felonies listed in §§ 471(a)(20)(A)(i) and (ii) of the Act; and (3) title IV-E maintenance payments are not made for a period in the PUR prior to these conditions being met. A request for a *CRC* without the results of the record search is not sufficient documentation of compliance with the safety requirement.

**Comments:**

**36(c)(1). If Question 36(c) is *NO*, were title IV-E funds paid for the period the fingerprint-based CRC of the NCID was not completed satisfactorily on the foster parent(s)?**

Indicate **YES** or **NO** if the response to Question 36(c) is **NO**. Indicate **N/A** if the response to Question 36(c) is **YES**.

YES ☐

NO ☐

N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

For the IV-E review, the documentation must clearly verify that the safety requirement is met for the period in the PUR for which the title IV-E foster care maintenance payment is made for the child. If the requirement is not fully met as noted in Question 36(c), the child placed in the foster care setting is ineligible under title IV-E. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is in the PUR, the child's case is in error and the ineligible title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**



## (O) SAFETY REQUIREMENTS *Continued*

[Statutory Citation: § 471(a)(20) of the Act; Regulatory Citation: 45 CFR §§ 1355.20, 1356.30, and 1356.71(d)(1)(iv)]

### 37. If the child's placement during the PUR was a childcare institution, were the **safety requirements** completed satisfactorily for the caregiver staff of the institution?

Indicate **N/A** if the child is not placed in a childcare institution during the PUR. Otherwise, indicate **YES** or **NO**.

YES ☐ NO ☐ N/A ☐

If the bold **NO** box is checked, this indicates a potential error case or case with ineligible payments.

Question 37 applies to the safety requirements pertaining to the background checks for childcare institutions that undergo a licensure process on or after March 27, 2000. The safety requirement applies regardless of whether the background checks are completed for the initial license, a license renewal, or a re-licensure on or after March 27, 2000. Federal requirements under 45 CFR § 1356.30(f) mandate the title IV-E agency to document that the background checks with respect to the caregiver staff of the childcare institution are completed in accordance with the licensing agency's requirements where the childcare institution is located. [ACYF-CB-PI-10-02]

For the IV-E review, reviewers will examine the background check documentation to determine for the PUR: (1) whether all of the licensing agency's established policies with respect to the type and frequency of background checks for each applicable caregiver staff are fully completed for the most recent period of the licensing agency's monitoring schedule prior to (or, if applicable, during) the PUR; and (2) whether the background check requirements are fully satisfied for the period in the PUR for which the title IV-E foster care maintenance payment is made for the child residing in the childcare institution during the PUR. The documentation will be accepted based upon the degree it clearly specifies for each applicable caregiver staff (1) the background checks completed, (2) the date completed, (3) the individual on whom completed, (4) the individual completing the background check or reviewing the result of the background check, and (5) the evidence reviewed. A request for a background check without the results of the record search is not sufficient documentation of compliance.

**Comments:**

### 37(a). If Question 37 is **NO**, were title IV-E funds paid for the period that the **safety requirements** were not completed satisfactorily for the caregiver staff of the childcare institution?

Indicate **YES** or **NO** if the response to Question 37 is **NO**. Indicate **N/A** if the response to Question 37 is **YES**.

YES ☐ NO ☐ N/A ☐

If the bold **YES** box is checked, this indicates a potential error case or case with ineligible payments.

Title IV-E foster care maintenance payments may not be made for a child placed in a childcare institution that does not meet the applicable safety requirements under § 471(a)(20)(A) of the Act and 45 CFR § 1356.30(f).

For the IV-E review, the documentation must clearly verify that the safety requirement is met for the period in the PUR for which the title IV-E foster care maintenance payment is made for the child placed in the childcare institution. If the safety requirements are not fully met as noted in Question 37 for each applicable caregiver staff, the child placed in the foster care setting is ineligible under title IV-E. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is outside the PUR, the title IV-E maintenance payment is disallowed. If the title IV-E maintenance payment is paid for a period in which the child does not meet the eligibility requirement and the ineligible period is in the PUR, the child's case is in error and the ineligible title IV-E maintenance payment is disallowed.

Record ineligible period(s) on the attached ***Improper Payment Chart***.

**Comments:**

## (P) CASE FINDINGS GLOSSARY

After the On-Site Review Instrument is completed, determine whether the sample case is a non-error case or an error case and indicate this on the first page of the instrument. For a non-error case and an error case, indicate whether underpayments were identified and whether ineligible payments were made.

**Eligible Child:** A child is considered eligible when all title IV-E eligibility criteria pertaining to the child and the child's foster care placement are met. The child must be in a foster care placement that is allowable under title IV-E in order for the otherwise eligible child to be considered as meeting all title IV-E criteria for eligibility.

**Ineligible Child:** A child is ineligible if a title IV-E eligibility criterion pertaining to the child or the child's foster care placement is not met.

**Underpayment:** An underpayment occurs when a title IV-E agency unknowingly does not claim an allowable title IV-E maintenance payment for an eligible child and the 2-year filing period specified under 45 CFR § 95.7 has not expired. An underpayment has not occurred when the title IV-E agency chooses not to claim the allowable payment or the 2-year filing period has expired.

**Non-Error Case with Ineligible Payment:** A non-error case with ineligible payment occurs when (1) a title IV-E maintenance payment is made for a period solely outside the PUR for an ineligible child or (2) an unallowable title IV-E maintenance payment is made for a period in or outside the PUR for an eligible child.

**Error Case:** An error case occurs when a title IV-E maintenance payment is made for a period within the PUR on behalf of an ineligible child. This includes the period within the PUR prior to the month the child meets an eligibility requirement.

## APPENDIX 1: LICENSING/SAFETY CHECKLIST FOR MULTIPLE FOSTER CARE PLACEMENTS

Use this page to record an additional foster care placement during the PUR.

Title IV-E Agency \_\_\_\_\_ Sample Number \_\_\_\_\_

### (N) PLACEMENT IN LICENSED FOSTER CARE SETTINGS

Complete for **every** foster care placement where the child resided during the PUR.

Use this supplemental sheet to record separately each additional foster care placement during the PUR.

\*All provider information recorded below will be kept *confidential* and will not be disclosed for any purposes outside of the review.

28. **Provider Name:** \_\_\_\_\_

29. **Provider Street Address:** \_\_\_\_\_

30. **Provider City:** \_\_\_\_\_

31. **Provider State:** \_\_\_\_\_

32. **Date(s) of child's stay in this foster care placement (month/day/year):**

Record the dates covering the entire time the child is in the foster care setting.

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

33. **Type of foster care setting (check one):**

Foster Family Home ☐

Group Home ☐

Public Childcare Institution (25 children or fewer) ☐

Private Childcare Institution ☐

Supervised Independent Living Placement ☐

Other ☐ (Specify Other): \_\_\_\_\_

33(a). **If Question 33 is *Other*, were title IV-E funds paid for the period in which the child resided in the placement during the PUR?**

YES ☐

NO ☐

N/A ☐

34. **Was the foster care provider in Question 33 *fully licensed* during the child's placement that fell within the PUR?**

YES ☐

NO ☐

N/A ☐

Licensure period (month/day/year): From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

34(a). **If Question 34 is *NO*, were title IV-E funds paid for the period during which the foster provider was not *fully licensed* during the PUR?**

YES ☐

NO ☐

N/A ☐

35. **Were the title IV-E requirements related to the licensure of the child's placement met?**

YES ☐

NO ☐

## (O) SAFETY REQUIREMENTS

Title IV-E Agency \_\_\_\_\_ Sample Number \_\_\_\_\_

Complete for **every** foster care setting where the child resided during the PUR.

Use this supplemental sheet to record separately each additional foster care placement during the PUR.

**36. Was the child's placement during the PUR a foster family home?**

YES ☐ NO ☐

**36(a). If the foster family home was newly licensed before October 1, 2008, and the title IV-E agency did not "opt out" of the 1997 criminal record check requirement, was a criminal records check (CRC) completed satisfactorily on the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**36(a)(1). If Question 36(a) is NO, were title IV-E funds paid for the period the CRC requirement was not satisfied for the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**36(b). If the foster family home was newly licensed before October 1, 2008, and the title IV-E agency "opted out" of the 1997 CRC requirement, were the safety measures completed satisfactorily on the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**36(b)(1). If Question 36(b) is NO, were title IV-E funds paid for the period the safety measures were not satisfied for the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**36(c). If the foster family home was newly licensed on or after October 1, 2008, was a fingerprint-based CRC of the National Crime Information Databases (NCID) completed satisfactorily on the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**36(c)(1). If Question 36(c) is NO, were title IV-E funds paid for the period the fingerprint-based CRC of the NCID was not completed satisfactorily on the foster parent(s)?**

YES ☐ NO ☐ N/A ☐

**37. If the child's placement during the PUR was a childcare institution, were the safety requirements completed satisfactorily for the caregiver staff of the institution?**

YES ☐ NO ☐ N/A ☐

**37(a). If Question 37 is NO, were title IV-E funds paid for the period the safety requirements were not completed satisfactorily for the caregiver staff of the childcare institution?**

YES ☐ NO ☐ N/A ☐

## APPENDIX 2: IMPROPER PAYMENT CHART

This chart is used to record the improper payments identified during the IV-E review. Improper payments are overpayments, duplicate payments, erroneous and otherwise ineligible title IV-E maintenance payments, and underpayments. The reviewer must provide a brief description of all improper payments, regardless of whether the sample case is determined an error case. As noted below, all payment amounts are calculated by the ACF fiscal specialist. The ACF fiscal specialist should review the payment history in detail to ensure that costs identified as title IV-E are allowable and claimable.

Title IV-E Agency: \_\_\_\_\_ Sample Number: \_\_\_\_\_

Checklist Item #	Eligibility Issue or Payment Issue	Begin Date	End Date	Payment Amount (ACF Fiscal Specialist Completes)

### For Fiscal Computations

#### A. Federal Share for Foster Care Maintenance Payments (FCMP) Calculation

Disallowance: Refer to the instructions for calculating the maintenance payment disallowance and formula calculation spreadsheet for initial and primary reviews.

#### B. Federal Share for Foster Care Administration Costs Calculation

Disallowance: Refer to the instructions for calculating administrative cost disallowance and formula calculation spreadsheet for initial and primary reviews.

#### C. Period of Ineligibility and Underpayments

Calculate the months of improper title IV-E payments for maintenance and administrative costs beginning with the first month of ineligibility to the end of the month that precedes the on-site review.